



Docket No. THR-5007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Steve Gara

Serial No. : 10/654,794

Art Unit: 2171

Filed : September 3, 2003

Examiner:

For : BLOOD SEPARATION APPARATUS AND METHOD OF USING THE
SAME

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5/17/2005

(Date of Deposit)

Todd F. Volyn

(Name of applicant, assignee, or Registered Representative)

/Todd Volyn/

(Signature)

5/17/2005

(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Statement in Accordance with §1.97(e)
(attached); or

☐ Please charge Deposit Account No. 10-
0750/ / the fee of \$180.00 as set forth
in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not

enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a) (2) (i)).

☐ There are no listed references which are not in the English language.

☒ The relevance of those listed references which are not in the English language is as follows: JP09192215 - English Abstract attached thereto. EP1043071 - English equivalent (US Pat. No. 6,709,377) attached hereto.

☒ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/THR-5007/TFV. This form is submitted in triplicate.

Respectfully submitted,

/Todd Volyn/
Todd F. Volyn
Reg. No. 37,463
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-6202
DATED: 5/17/2005



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Sheet 1 of 15

Application Number	10/654,794
Filing Date	September 3, 2003
First Named Inventor	Gara
Group Art Unit	2171
Examiner Name	
Attorney Docket Number	THR-5007

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		2,983,639		Jageman	05/09/1961	
		3,103,489		Beckman Instruments, Inc.	09/10/1963	
		3,145,713		Latham, Jr.	08/25/1964	
		3,628,445		Webster	12/21/1971	
		3,678,964		Andrews	07/25/1972	
		3,861,972		Glover et al	01/21/1975	
		4,056,224		Lolachi	11/01/1977	
		4,059,108		Latham, Jr.	11/22/1977	
		4,086,924		Latham, Jr.	05/02/1978	
		4,108,353		Brown	08/22/1978	
		4,109,852		Brown et al	08/29/1978	
		4,109,854		Brown	08/29/1978	
		4,109,855		Brown et al	08/29/1978	
		4,113,173		Lolachi	09/12/1978	
		4,114,802		Brown	09/19/1978	
		4,120,448		Cullis	10/17/1978	
		4,120,449		Brown et al	10/17/1978	
		4,164,318		Boggs	08/14/1979	
		4,194,684		Boggs	03/25/1980	
		4,204,537		Latham, Jr.	05/27/1980	

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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 15

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		Number	Kind Code ² (if known)			
		4,204,537		Latham, Jr.	05/27/1980	
		4,221,322		Drago et al	09/09/1980	
		4,230,263		Westberg	10/28/1980	
		4,245,383		Boggs	1/20/1981	
		4,261,507		Baumler	4/14/1981	
		4,285,464		Latham, Jr.	8/25/1981	
		4,300,717		Latham, Jr.	11/17/1981	
		4,303,193		Latham, Jr.	12/01/1981	
		4,344,560		Iriguchi et al	8/17/1982	
		4,372,484		Larsson et al	02/08/1983	
		4,389,206		Bacehowski et al	06/21/1983	
		4,407,295		Steuer et al	10/04/1983	
		4,417,884		Schoendorfer et al	11/29/1983	
		4,421,503		Latham, Jr. et al	12/20/1983	
		4,425,112		Ito	1/10/1984	
		4,439,178		Mulzet	3/27/1984	
		4,440,195		van Dongeren	4/3/1984	
		4,459,169		Bacehowski et al	7/10/1984	
		4,517,404		Hughes et al	5/14/1985	

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Sheet 3 of 15

Application Number	10/654,794
Filing Date	September 3, 2003
First Named Inventor	Gara
Group Art Unit	2171
Examiner Name	
Attorney Docket Number	THR-5007

U.S. PATENT DOCUMENTS

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		Number	Kind Code ² (if known)			
		4,540,397		Lolachi et al	09/10/1985	
		4,573,960		Goss	03/04/1986	
		4,573,962		Troutner	03/04/1986	
		4,578,056		King et al	03/25/1986	
		4,636,346		Gold et al	01/13/1987	
		4,692,136		Feldman et al	09/08/1987	
		4,708,712		Mulzet	11/24/1987	
		4,737,140		Lee et al	04/12/1988	
		Des. 312,128		Headley	11/13/1990	
		4,710,161		Takabayashi et al	12/01/1987	
		4,734,089		Cullis	03/29/1988	
		4,767,396		Powers	08/30/1988	
		4,775,794		Behmann	10/04/1988	
		4,776,964		Schoendorfer et al	10/11/1988	
		4,778,444		Westberg et al	10/18/1988	
		4,806,252		Brown et al	02/21/1989	
		4,854,933		Mull	08/08/1989	
		4,857,190		Wada et al	08/15/1989	
		4,859,333		Panzani	08/22/1989	
		4,865,081		Neumann et al	09/12/1989	
		4,866,282		Miripol et al	09/12/1989	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 4 of 15	Application Number	10/654,794
	Filing Date	September 3, 2003
	First Named Inventor	Gara
	Group Art Unit	2171
	Examiner Name	
	Attorney Docket Number	THR-5007

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		Number	Kind Code ² (if known)			
		4,876,014		Malson	10/24/1989	
		4,879,031		Panzani	11/07/1989	
		4,889,524		Fell et al	12/26/1989	
		4,898,571		Epper et al	02/06/1990	
		4,911,833		Schoendorfer et al	03/27/1990	
		4,943,273		Pages	07/24/1990	
		4,950,401		Unger et al	08/21/1990	
		4,983,158		Headley	01/08/1991	
		4,986,442		Hinterreiter	01/22/1991	
		4,997,577		Stewart	03/05/1991	
		5,039,401		Columbus et al	08/13/1991	
		5,053,127		Schoendorfer et al	10/01/1991	
		5,061,381		Burd	10/29/1991	
		5,076,911		Brown et al	12/31/1991	
		5,078,671	A	Dennehey et al	01/07/1992	
		5,097,870	A	Williams	03/24/1992	
		5,100,372	A	Headley	03/31/1992	
		5,104,526	A	Brown et al	04/14/1992	
		5,147,290	A	Jonsson	09/15/1992	
		5,160,310	A	Yhland	11/03/1992	
		5,186,844	A	Burd et al	02/16/1993	
		5,217,426	A	Bacehowski et al	06/08/1993	

Examiner Signature		Date Considered	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 5 of 15	Application Number	10/654,794
	Filing Date	September 3, 2003
	First Named Inventor	Gara
	Group Art Unit	2171
	Examiner Name	
	Attorney Docket Number	THR-5007

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		Number	Kind Code ² (if known)			
		5,217,427	A	Cullis	06/08/1993	
		5,224,921	A	Dennehey et al	07/06/1993	
		5,240,614	A	Ofsthun et al	08/31/1993	
		5,254,248	A	Nakamura	10/19/1993	
		5,273,517	A	Barone et al	12/28/1993	
		5,281,342	A	Biesel et al	01/25/1994	
		5,298,171	A	Biesel	03/29/1994	
		5,305,799	A	Dal Palu	04/26/1994	
		5,316,667	A	Brown	05/31/1994	
		5,322,620	A	Brown et al	06/21/1994	
		5,332,500	A	Seureau et al	07/26/1994	
		5,360,542	A	Williamson, IV et al	11/01/1994	
		5,362,291	A	Williamson, IV	11/08/1994	
		5,370,802	A	Brown	12/06/1994	
		5,372,136	A	Steuer et al	12/13/1994	
		5,405,308	A	Headley et al	04/11/1995	
		5,427,509	A	Chapman et al	06/27/1995	
		5,427,695	A	Brown	06/27/1995	
		5,437,598	A	Antwiler	08/01/1995	

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Sheet 6 of 15

Application Number	10/654,794
Filing Date	September 3, 2003
First Named Inventor	Gara
Group Art Unit	2171
Examiner Name	
Attorney Docket Number	THR-5007

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		5,443,451	A	Chapman et al	08/22/1995	
		5,445,506	A	Afflerbaugh et al	08/29/1995	
		5,445,593	A	Biesel et al	08/29/1995	
		5,460,493	A	Deniega et al	10/24/1995	
		5,462,416	A	Dennehey et al	10/31/1995	
		5,480,294	A	Di Perna et al	01/02/1996	
		5,482,440	A	Dennehey et al	01/09/1996	
		5,494,578	A	Brown et al	02/27/1996	
		5,494,592	A	Lathan, Jr. et al	02/27/1996	
		5,494,578	A	Brown et al	02/27/1996	
		5,501,840	A	Mantovani et al	03/26/1996	
		5,505,685	A	Antwiler	04/09/1996	
		5,514,069	A	Brown et al	05/07/1996	
		5,514,070	A	Pages	05/07/1996	
		5,525,218	A	Williamson, IV et al	06/11/1996	
		5,527,467	A	Ofsthun et al	06/18/1996	
		5,527,472	A	Bellotti et al	06/18/1996	
		5,529,691	A	Brown	06/25/1996	
		5,538,405	A	Patno et al	07/23/1996	

Examiner Signature		Date Considered	
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Sheet 7 of 15

Application Number	10/654,794
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		5,549,834	A	Brown	08/27/1996	
		5,551,942	A	Brown et al	09/03/1996	
		5,573,678	A	Brown et al	11/12/1996	
		5,591,113	A	Darnell et al	01/07/1997	
		5,591,643	A	Schembri	01/07/1997	
		5,607,579	A	Latham, Jr. et al	03/04/1997	
		5,628,915	A	Brown et al	05/13/1997	
		5,632,893	A	Brown et al	5/27/1997	
		5,634,893	A	Rishton	06/03/1997	
		5,637,082	A	Pages et al	06/10/1997	
		5,639,382	A	Brown	06/17/1997	
		5,641,414	A	Brown	06/24/1997	
		5,641,622	A	Lake et al	06/24/1997	
		5,643,193	A	Papillon et al	07/01/1997	
		5,651,766	A	Kingsley et al	07/29/1997	
		5,656,163	A	Brown	08/12/1997	
		5,676,841	A	Brown	10/14/1997	
		5,681,273	A	Brown	10/28/1997	
		5,690,602	A	Brown et al	11/25/1997	

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Sheet 8 of 15

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		5,690,835	A	Brown	11/25/1997	
		5,693,232	A	Brown et al	12/02/1997	
		5,702,357	A	Bainbridge et al	12/30/1997	
		5,704,887	A	Slowik et al	01/06/1998	
		5,728,060	A	Kingsley	03/17/1998	
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		5,792,372	A	Brown et al	08/11/1998	
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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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	Filing Date	September 3, 2003
	First Named Inventor	Gara
	Group Art Unit	2171
	Examiner Name	
	Attorney Docket Number	THR-5007

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		5,868,695	A	Wolf, Jr. et al	02/09/1999	
		5,870,805	A	Kandler et al	02/16/1999	
		5,906,598	A	Giesler et al	05/25/1999	
		5,916,743	A	Lake et al	06/29/1999	
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	Filing Date	September 3, 2003
	First Named Inventor	Gara
	Group Art Unit	2171
	Examiner Name	
	Attorney Docket Number	THR-5007

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		Number	Kind Code ² (if known)			
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 11 of 15	Application Number	10/654,794
	Filing Date	September 3, 2003
	First Named Inventor	Gara
	Group Art Unit	2171
	Examiner Name	
	Attorney Docket Number	THR-5007

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		Number	Kind Code ² (if known)			
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	Filing Date	September 3, 2003
	First Named Inventor	Gara
	Group Art Unit	2171
	Examiner Name	
	Attorney Docket Number	THR-5007

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		Number	Kind Code ² (if known)			
		2002/0068674	A1	Hlavinka et al	06/06/2002	
		2002/0068675	A1	Felt et al	06/06/2002	
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Sheet 13 of 15

Application Number	10/654,794
Filing Date	September 3, 2003
First Named Inventor	Gara
Group Art Unit	2171
Examiner Name	
Attorney Docket Number	THR-5007

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		2003/0114289	A1	Merino et al	06/19/2003	
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		6,582,350	B2	Dolecek	06/24/2003	
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Sheet 14 of 15

Application Number	10/654,794
Filing Date	September 3, 2003
First Named Inventor	Gara
Group Art Unit	2171
Examiner Name	
Attorney Docket Number	THR-5007

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		Number	Kind Code ² (if known)			
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		Office ³	Number ⁴	KindCode ⁵				
		EP	608519	A2	Rochat	08/03/1994		
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		EP	1252918	A2	Brown	10/30/2002		
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Sheet 15 of 15

Application Number	10/654,794
Filing Date	September 3, 2003
First Named Inventor	Gara
Group Art Unit	2171
Examiner Name	
Attorney Docket Number	THR-5007

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		Office ³	Number ⁴	KindCode ⁵				
		EP	1043071	A1	J.D. Rochat	10/11/2000		
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		WO	99/02269	A1	Berch	01/21/1999		
		WO	99/23471	A1	Sitar	05/14/1999		
		WO	01/17651	A1	Westberg	03/15/2001		
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		JP	2001/070832		Mizuniwa et al	09/09/1999	Patent Abstract	
		WO	01/24848	A1	Gambro Inc.	04/12/2001		
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